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MINUTES--TILLAMOOK COUNTY BOARD OF COMMISSIONERS' MEETING
Wednesday, February 18, 1987
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COMMISSIONERS PRESENT: Dean J. Kinkade, Chairman
Gerald J. Creasy, Vice-Chairman
Gerald A. Woodward, Commissioner

STAFF PRESENT: Fred G. Young, County Counsel
Karen Richards, Treasurer
Doréne Sheldon, Recording Secretary

STAFF PRESENT FOR PORTIONS OF MEETING: Kathy Kelso, Personnel Director; Sue Cameron, Health Administrator; Paul Levesque, Research Consultant; Jon Oshel, Public Works Director; Judge Marjorie Christensen, Justice Court; Robert Wilson, Assessor

GUESTS PRESENT: Mike Sims, Headlight Herald; Barbara Buel

ITEM NO. 1: CALL TO ORDER: By Chairman Kinkade at 10:05 a.m. in the Justice Courtroom.

UNSCHEDULED: DISCUSSION CONCERNING WOOD CUTTING PERMITS ON COUNTY OWNED PROPERTY THAT HAS BEEN LOGGED: Commissioner Creasy would like to have a workshop with Willard Berry, County Forester, to set up a procedure to cut wood on county owned property that has been logged. Mr. Oshel had told him there were several ways to handle it.

It was the Board's consensus to schedule a workshop.

UNSCHEDULED: DISCUSSION CONCERNING BARBARA BUEL'S COMPLAINTS ON THE SOLID WASTE USER FEE: Ms. Buel tried paying her taxes yesterday and there was a .27 interest charge. She asked Ms. Berry what it was for and was told it was on the \$9 solid waste user fee. According to Ms. Buel she is paid up until April 1st, when she feels it is due. Ms. Buel then spoke to Commissioner Woodward who said the Board was aware of the situation. Ms. Buel said she would pay the taxes, but not the 27¢, and Ms. Berry said she could not accept the check without the interest. Ms. Berry was in contact with the Department of Revenue and was told she could accept the check, but would deduct the 27¢ from the tax money. Ms. Berry also said she never said she wouldn't accept her check. Ms. Buel is objecting to any interest on the tax statement and the manner in which it is being collected.

Mr. Young said the \$9 is being treated as a tax, and interest is accrued at 12% per annum.

Ms. Buel asked why the county could charge interest on something not yet due. Mr. Young said the Ordinance that created the solid waste user fee states it is to be collected in advance.

Ms. Buel asked why is it on the tax statement. Mr. Young said it is the county's position that the Oregon Statutes permit it.

That position is not shared by the Department of Revenue or the Assessor. The answer whether it is correct is being held in abeyance until after the March 31st election. At that time, the citizens will vote to either retain or repeal the fee. If the fee is retained, the county will request an Attorney General's opinion as to whether it is proper to put the Solid Waste District on the tax statement and treat it as a tax or put it in an unsegregated account.

Mr. Wilson said he would like the whole situation laid to rest and did not like people telling him it is all his fault.

Ms. Buel asked how the \$9 could be placed on the tax statements when the Assessor never certified it. Mr. Young said the tax collector is treating it as if it were certified. The Assessor did not certify the \$9 charge based on the Department of Revenue's position and his conversation with them. County Counsel's conversation with the Department of Revenue later on was that it was proper to put it on, and so the county did. It is being treated as a de facto certification.

UNSCHEDULED: DISCUSSION CONCERNING RESEARCH CONSULTANT'S BACK-LOG: Mr. Levesque said he would be able to come in every Wednesday, but not the full time he had been requested to do. He is working full time in Salem, so he will be working six days a week.

Commissioner Creasy moved, Commissioner Woodward seconded, to authorize Paul Levesque to work four days a month to be paid out of land sales, passed with three aye votes.

UNSCHEDULED: DISCUSSION CONCERNING WINDOWS: Mr. Young asked about the status of the window project. Chairman Kinkade said Ed Kontz was here last Friday and will be making up the specifications. Mr. Kontz suggested using Anderson windows, which are vinyl-clad wood sash windows.

ITEM NO. 2: CONSIDERATION OF ORDER APPOINTING SHIRLEY JACOBSEN, JUSTICE OF THE PEACE PRO-TEM: Mr. Young said there was a problem with the wording in the previous orders, and this one attempts to work within the statutes.

Judge Christensen said she was concerned that the order only allows 60 days per year for the appointment. She asked what would happen if she were injured or sick for a long period of time. Mr. Young said a new order could be written for special circumstances.

Commissioner Creasy moved, Commissioner Woodward seconded, approval of order appointing Shirley Jacobsen, Justice of the Peace Pro-tem for a period not to exceed 60 days in a calendar year, passed with three aye votes.

The Commissioners signed Order #87-22.

ITEM NO. 3: PUBLIC HEARING: LIQUOR LICENSE APPLICATIONS FOR NESKOWIN BEACH GOLF COURSE, RAINES RESORT, THE SCHOONER, SPORTSMAN SHOP, BARVIEW STORE & JETTY GIFT SHOP, NESKOWIN MARKETPLACE, BAYSIDE GROCERY & HARDWARE, NEEL'S RESORT TAVERN, MOHLER COOPERATIVE STORE AND SPORTSMAN TAVERN: Ms. Cameron recommended approval of all the applications, except the Mohler Cooperative Store, which needs a little more work.

Commissioner Creasy moved, Commissioner Woodward seconded, approval of all the liquor license applications except the Mohler Cooperative Store, passed with three aye votes.

Chairman Kinkade signed the Liquor License Applications.

ITEM NO. 4: CONSIDERATION OF HEALTH DEPARTMENT REQUEST FOR AN EMPLOYEE TO WORK OVERTIME: Ms. Cameron said Wendy Oliver is working 19 hours a week and is requesting to work overtime the week of February 23rd to attend two seminars. The First Aid seminar is offered only twice a year and will enable her to teach first aid to mothers with infants.

Commissioner Creasy moved to approve the overtime.

Chairman Kinkade asked if funds were available. Ms. Cameron said, "yes." Ms. Kelso said there is always a potential problem with the union when overtime is allowed for a part-time employee. The county could be liable to pay benefits and the employee could be liable to pay union benefits.

Commissioner Creasy withdrew the motion.

Ms. Cameron said Ms. Oliver would attend the seminar on her own time and pay for it herself, but that wasn't a very good way to keep employees. Chairman Kinkade agreed, but said the liability could be tremendous to the county. He said this position would be addressed in the budget hearings.

It was the Board's consensus to not approve the overtime request.

ITEM NO. 5: CONSIDERATION OF APPLICATION FOR DANCE HALL PERMIT: Commissioner Creasy moved, Commissioner Woodward seconded, to approve the dance hall permit for the Swiss Mid-Winter Festival March 7 and 8, 1987 and to waive the fees, passed with three aye votes.

The Commissioners signed the Dance Hall Permit.

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ITEM NO. 6: DISCUSSION CONCERNING LETTER REGARDING CARD LOCK

SYSTEM: Mr. Oshel said there could be uses for the system in some departments, but it wouldn't work well with his south county and north county shops or the Parks Department.

Ms. Kelso said there would be a better recording system.

Mr. Oshel said gasoline tanks 15 years old need replacing, at a cost of \$10,000-\$15,000. Commissioner Woodward said the tanks behind the Courthouse are approximately that old, and he wants them taken out. Ms. Kelso agreed. She said there were safety issues that should be addressed, such as the fumes and smoking that is done by the back door.

It was the Board's consensus to schedule a workshop with Mr. Vandermay of VanWest Oil and the department heads that would use the cardlock system.

UNSCHEDULED: DISCUSSION OF COURTHOUSE AS NON-SMOKING BUILDING:

Ms. Kelso said she had been asked by several employees if the Courthouse will be considered a non-smoking public building. She said the Board needs to consider this issue.

UNSCHEDULED: NACo DEFERRED COMPENSATION PLAN:

Ms. Kelso asked what steps the Board would like her to take on this plan. Chairman Kinkade said he feels it is a good plan, but there is no use initiating the plan if the employees will not take part in it.

It was the Board's consensus to have Ms. Kelso write a letter to the employees to see if they would be interested in this program.

SITTING AS THE BOARD OF THE
HEBO SERVICE DISTRICT:

ITEM NO. 7: MISCELLANEOUS SERVICE DISTRICT MATTERS:

Commissioner Woodward said letters are being received from the residents of the District with their requests. Mr. Adams submitted a list of some of the problem areas. Mr. Young said when all the letters come in, he will compile a list to submit to H.G.E. He said the county needs to be pushing DEQ to get a response from them.

Commissioner Creasy said he and Don Mason are trying to get additional grant funding for the project.

Commissioner Creasy said a Budget Committee needs to be formed for the District. Mr. Young asked if they wanted members from the Advisory Committee or whether they wanted to advertise.

It was the Board's consensus to advertise for the Budget Committee. Applicants must be residents of the District.

SITTING AS THE BOARD OF THE
TILLAMOOK COUNTY SOLID WASTE DISTRICT:

ITEM NO. 8: MISCELLANEOUS SOLID WASTE MATTERS:

Budget Committee: Commissioner Creasy said a Budget Committee should be formed for this District.

It was the Board's consensus to advertise for the Budget Committee.

Order Appointing Alternates for Solid Waste Advisory Committee:

Mr. Oshel presented an order appointing alternates for the Tillamook County Solid Waste Advisory Committee as follows: Sherryl Hogeland for Jim Nelson, George McKibbin for Jerry Scott, James Spindler for Pete Sutton, Douglas Walker for Lee Walker, Kenneth Bailey for Eleanor Dye. New members Garey Mark and Howard Wilson have not yet picked their alternates.

Commissioner Creasy moved, Commissioner Woodward seconded, to approve order appointing alternates for the Solid Waste Advisory Committee, passed with three aye votes.

The Commissioners signed Order #87-23 (SWSD Order #18).

Update on Burner Proposals: Mr. Oshel and Mr. Hannon inspected a county burner in Coos County and another operated by a private firm in Brookings. Both were overloaded and smoking. This concern would have to be addressed. Mr. Oshel said all burners can be converted to electrical or steam generation, but he recommended not starting with electricity.

SITTING AS THE
BOARD OF COMMISSIONERS:

ITEM NO. 9: MISCELLANEOUS PUBLIC WORKS: Mr. Oshel presented an Amendment to the annual contract for Consulting Services with OBEC Consulting Engineers. This will allow OBEC to proceed with the design and construction plans for the Neskowin Bridge. Mr. Oshel said the county would do the right-of-way survey and acquisition. He will close the bridge during construction and try to get a legal access through the area. If he can get a full right-of-way, he will do so, but doesn't think that will be possible.

Commissioner Creasy moved, Commissioner Woodward seconded, to approve and execute the agreement, passed with three aye votes.

The Commissioners signed two copies of the Contract Amendment.

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Mr. Oshel discussed several legislative bills that would affect the Road Department. The first bill would increase revenues for roads. Out of his two million dollar budget, \$400,000-\$500,000 comes from the motor vehicle fund which would double that figure. Mr. Oshel was involved in this study. The Governor is having difficulty seeing the need. AOC has a proposed resolution which Mr. Oshel will present to the Board next week. This would involve a major policy decision and an increase in taxes.

Senate Bill 435 states all construction and maintenance activities over \$25,000 would have to be contracted. The law currently states over \$50,000 in capital improvements has to be contracted. In some circumstances, this would cost the county more money.

House Bill 2537 involves the allocation of federal forest revenues. If this would have been in effect this year, it would have decreased the Road Department funds nearly half a million dollars, which the school district would have received. He feels the county should strongly oppose this bill.

UNSCHEDULED: REQUEST FOR OVERTIME FOR CLERK'S OFFICE: Ms. Kelso said the Clerk's Office is requesting Loretta Creech work overtime to get the elections into the computer.

Commissioner Creasy moved, Commissioner Woodward seconded, to approve overtime for Ms. Creech, passed with three aye votes.

UNSCHEDULED: RESIGNATION OF COUNTY CLERK: Ms. Kelso said this was not a personnel matter, but some action needs to be taken by the Board.

Commissioner Woodward moved, Commissioner Creasy seconded, to accept June Wagner's resignation as County Clerk effective March 10, 1987, passed with three aye votes.

Mr. Young will draft a letter for the Board's signature to the Central Committee requesting recommendations for Ms. Wagner's replacement.

UNSCHEDULED: REQUEST TO LEASE LAND ON GALLOWAY ROAD: Scott Bergren said he was interested in leasing property adjacent to the Sandlake parking lot on the left-hand side of Galloway Road to be used for 3-wheel and 4-wheel off-road vehicle racing.

Commissioner Woodward said the county has a management agreement with the Siuslaw National Forest and would have to talk with them. Mr. Bergren said he had talked with Siuslaw and was told he could not use the right side of the road. They recommended he check with the Board about the left side of the road.

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It was the Board's consensus to have Mr. Bergren prepare a proposal to present to the Board next week.

Chairman Kinkade adjourned the meeting at 11:50 a.m.

RESPECTFULLY SUBMITTED this 20th day of February, 1987.

Dorene Sheldon
Dorene Sheldon, Recording Secretary

APPROVED BY:

DJK
DJK

GJC
GJC

GAW
GAW